

Also, claims 1-5 stand rejected under 35 U.S.C. §102(e) as being anticipated by either *Smart et al* (U.S. Patent No. 6,147,744) or *Smart et al* (U.S. Patent No. 6,185,371).

**Summary of the Response to the Office Action**

Applicant respectfully submits that the rejections under 35 U.S.C. §102(e) are improper and therefore should be withdrawn. Accordingly, claims 1-5 are currently pending.

**The Rejections under 35 U.S.C. §102(e)**

Claims 1-5 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by either *Miller et al* or *Dellert et al*. Also, claims 1-5 were rejected under 35 U.S.C. §102(e) as being anticipated by *Garfinkle et al*. Also, claims 1-5 were rejected under 35 U.S.C. §102(e) as being anticipated by either *Smart et al* or *Smart et al*. Applicant respectfully traverses the rejection as explained below.

While the applied references may relate to a photography system in which a laboratory and a center are connected by a communication network, none of the applied art discloses a photographic processing system, as claimed, “wherein said photographic printing condition which is obtained when previous printing has been performed at each of said photographic sites and then sent to the database therefrom is stored in the database.”

Thus, the applied references do not teach or suggest a system such that (1) a previous printing condition at a laboratory (site) is stored in a database provided in a center in order to obtain the same print by a next order from a customer; (2) if the same customer orders the same print from the previous ordered film, the previous photographing condition which has been in the database, can be further applied to an ordering present print obtained from the film used at the previous stage; and (3) the same customer can request the order to any laboratory to obtain the

same print by access to the center from any of different laboratories connected to the center via the communicating network.

As a result of the invention as claimed, if a laboratory receives the same negative film from any of even different laboratories, the same print can be always reproduced from the same film under the same condition.

Applicant respectfully asserts that the rejections under 35 U.S.C. §102(e) should be withdrawn because none of the applied references teaches or suggests each feature of independent claim 1. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicant respectfully asserts that dependent claims 2-5 are allowable at least because of their dependence from independent claim 1 and the reasons set forth above.

With no other rejections pending, Applicant respectfully submits that claims 1-5 are allowable.

### **Conclusion**

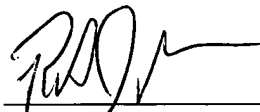
In view of the foregoing remarks, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

Applicant respectfully requests a three-month extension of time. Please charge our Deposit Account No. 50-0310 in an amount of \$920.00 for the extension fee.

**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310.

Respectfully Submitted,

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Dated: February 22, 2002

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